

the first time by the Massachusetts Department of Environmental Protection, who is not a party to this action. The Parties believe that such arguments will be of assistance to the Court in resolving the issues presented by the Partial Summary Judgment Motions.

The Parties therefore respectfully request permission to file reply memoranda on or before July 14, 2006. The Parties also request a page limit of ten pages for their respective reply briefs. The Parties also note that granting leave to file reply memoranda will not interfere with the trial of this action because this matter has been bifurcated, the Motions for Partial Summary Judgment pertain only to Phase I of this action (bankruptcy discharge), and no schedule has been established for Phase II discovery (liability and damages) or for trial.

Respectfully submitted,

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Dated: June 29, 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

.....
BOSTON AND MAINE CORPORATION,
.

Plaintiff,
.

v.
.

CIVIL ACTION No. 05-11656-RCL
.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,
.

Defendant.
.
.....

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the following, which were filed via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 29, 2006:

1. Joint Motion for Leave to File Reply Memoranda In Support of Cross Motions for Partial Summary Judgment; and
2. this Certificate of Service.

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June 29, 2006